

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MEMORANDUM AND ORDER OF COURT

Dr. Chandan S. Vora filed a motion to proceed in forma pauperis on November 7, 2011 (Document No. 1), along with a proposed "complaint." She subsequently filed a motion for an injunction (Document No. 3), a motion for an extension of time (Document No. 7), a partial motion for an injunction (Document No. 8) and a complete motion for an injunction (Document No. 9). All of Dr. Vora's filings relate to a notice she received from the City of Johnstown regarding the prospective demolition of her house due to violations of the City's Property Maintenance Code involving deteriorated or dilapidated structures that are dangerous, unsafe or otherwise unfit for human habitation. Dr. Vora complains that she has received the notice because of discriminatory behavior by public officials in and around Cambria County and the Johnstown area. Dr. Vora maintains that the public officials have been engaged in an ongoing scheme with individuals of certain ethnic and religious backgrounds to violate her civil rights.

The Court of Appeals for the Third Circuit has instructed the district courts to utilize a two-step analysis to determine whether to direct service of a complaint where an individual seeks to proceed in forma pauperis. First, the court must determine whether the litigant is indigent within the meaning of 28 U.S.C. §1915(a). Second, the court must determine whether the complaint is frivolous or malicious or fails to state a claim under 28 U.S.C. §1915(e)(2)(B). Roman v. Jeffes, 904 F.2d 192, 194 n.1 (3d Cir. 1990).

The court finds Dr. Vora to be without sufficient funds to pay the required filing fee. Thus, the indigency requirement is met, and Dr. Vora will be granted leave to proceed in forma pauperis.

With regard to the second part of the analysis, in Neitzke v. Williams, 490 U.S. 319 (1989), the Supreme Court identified two types of legally frivolous complaints: (1) those based upon indisputably meritless legal theory, and (2) those with factual contentions which clearly are baseless. Id. at 327. An example of the first is where a defendant enjoys immunity from suit, and an example of the second is a claim describing a factual scenario which is fanciful or delusional. Id. In addition, §1915 also requires that the court be satisfied that the complaint states a claim upon which relief can be granted before it directs service; if it does not, the action must be dismissed. 28 U.S.C. §1915(e)(2)(B)(ii).

A review of Dr. Vora's "complaint" establishes that the

allegations therein seek to attack matters over which this court lacks jurisdiction and otherwise fail to state a claim upon which relief can be granted. It follows that Dr. Vora's "complaint" must be dismissed, and her motion for an injunction, motion for an extension of time, partial motion for an injunction and complete motion for an injunction therefore must be denied as moot.

An appropriate order will follow.

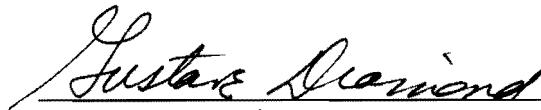
O R D E R

AND NOW, this 22nd day of December, 2011, for the reasons set forth in the memorandum above, IT IS ORDERED that Dr. Vora's motion to proceed in forma pauperis (Document No. 1) be, and the same hereby is, granted; and,

IT FURTHER IS ORDERED that Dr. Vora's proposed "complaint" which was filed in an effort to commence an action in this court be, and the same hereby is, dismissed for lack of jurisdiction and as otherwise frivolous; and

IT FURTHER IS ORDERED that the motion for injunction (Document No. 3), motion for an extension of time (Document No. 7), partial motion for injunction (Document No. 8) and complete motion for an injunction (Document No. 9) be, and the same hereby are, denied as moot.

The Clerk of Court shall mark the case closed.



Gustave Diamond
United States District Judge

cc: Dr. Chandan S. Vora
511 Robb Avenue
Johnstown, PA 15901